

STATE OF MISSISSIPPI

COUNTY OF LINCOLN

I, Terry Watkins, Lincoln County Circuit Clerk, do hereby certify that the above and foregoing is a true and correct copy of the entire court file as the same appears of record on file in the Office of the Circuit Clerk of Lincoln County, Mississippi, to-wit:

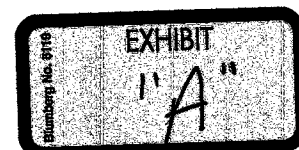
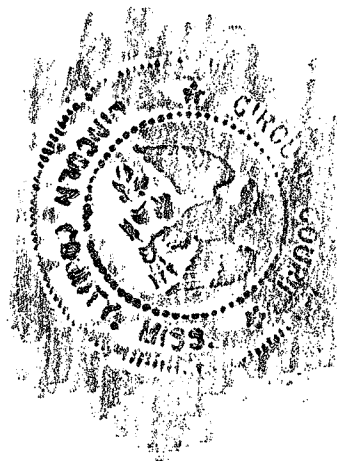
State Court Record Cause No. 2011-321 LS – *Mary Nicholson, et al. v. Moore & Paton Tires & Service, et al.*

Consisting of 134 pages.

Given under my hand and official seal, this the 4th day of JAN., 2012.

LINCOLN COUNTY CIRCUIT COURT

By: Price, DC



COVER SHEET		Court Identification Docket #		Case Year	Docket Number
Civil Case Filing Form (To be completed by Attorney/Party Prior to Filing of Pleading)		<div style="border: 1px solid black; padding: 2px;">43</div> County #	<div style="border: 1px solid black; padding: 2px;">C1</div> Judicial District (CH, CI, CO)	<div style="border: 1px solid black; padding: 2px;">2011</div> Case Year	<div style="border: 1px solid black; padding: 2px;">321</div> <div style="border: 1px solid black; padding: 2px;">LS</div> Docket Number / Local Docket ID
Mississippi Supreme Court Administrative Office of Courts		Form AOC/01 (Rev 2009)		Case Number if filed prior to 1/1/94	
In the <u>CIRCUIT</u>		Court of <u>LINCOLN</u>		County —	Judicial District
Origin of Suit (Place an "X" in one box only)					
<input checked="" type="checkbox"/> Initial Filing <input type="checkbox"/> Reinstated <input type="checkbox"/> Foreign Judgment Enrolled <input type="checkbox"/> Transfer from Other court <input type="checkbox"/> Other <input type="checkbox"/> Remanded <input type="checkbox"/> Reopened <input type="checkbox"/> Joining Suit/Action <input type="checkbox"/> Appeal					
Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form					
Individual <u>Nicholson</u> Last Name <u>Mary</u> First Name _____ Maiden Name, if applicable M.I. _____ Jr/Sr/III/IV _____ _____ Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____ Estate of _____ _____ Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____ D/B/A or Agency _____					
Business _____ Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated _____ Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: _____ D/B/A _____					
Address of Plaintiff <u>320 Annex St, Resene, LA 70084</u>					
Attorney (Name & Address) <u>Delano Funches 1617 Robinson St, Jackson, MS</u> MS Bar No. <u>8849</u> _____ Check (x) if Individual Filing Initial Pleading is NOT an attorney Signature of Individual Filing: <u>Delano Funches</u>					
Defendant - Name of Defendant - Enter Additional Defendants on Separate Form					
Individual _____ Last Name _____ First Name _____ Maiden Name, if applicable M.I. _____ Jr/Sr/III/IV _____ _____ Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____ Estate of _____ _____ Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____ D/B/A or Agency _____					
Business <u>Moore & Patron tires & service</u> Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated _____ Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below: _____ D/B/A _____					
Attorney (Name & Address) - If Known _____ MS Bar No. _____					
Damages Sought: Compensatory \$ _____ Punitive \$ _____ Check (x) if child support is contemplated as an issue in this suit.* *If checked, please submit completed Child Support Information Sheet with this Cover Sheet					
Nature of Suit (Place an "X" in one box only)					
Domestic Relations <input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Divorce: Irreconcilable Diff. <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other _____	Business/Commercial <input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Replevin <input type="checkbox"/> Other _____ Probate <input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Muniment of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest <input type="checkbox"/> Other _____	Children/Minors - Non-Domestic <input type="checkbox"/> Adoption - Contested <input type="checkbox"/> Adoption - Uncontested <input type="checkbox"/> Consent to Abortion Minor <input type="checkbox"/> Removal of Minority <input type="checkbox"/> Other _____ Civil Rights <input type="checkbox"/> Elections <input type="checkbox"/> Expungement <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief/Prisoner <input type="checkbox"/> Other _____ Contract <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Installment Contract <input type="checkbox"/> Insurance <input type="checkbox"/> Specific Performance <input type="checkbox"/> Other _____ Statutes/Rules <input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction or Restraining Order <input type="checkbox"/> Other _____	Real Property <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Eviction <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Other _____ Torts <input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Mass Tort <input type="checkbox"/> Negligence - General <input checked="" type="checkbox"/> Negligence - Motor Vehicle <input checked="" type="checkbox"/> Product Liability <input type="checkbox"/> Subrogation <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Other _____		
Appeals <input type="checkbox"/> Administrative Agency <input type="checkbox"/> County Court <input type="checkbox"/> Hardship Petition (Driver License) <input type="checkbox"/> Justice Court <input type="checkbox"/> MS Dept Employment Security <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other _____					

IN THE CIRCUIT COURT OF LINCOLN COUNTY, MISSISSIPPI
JUDICIAL DISTRICT, CITY OF

Docket No. _____
 File Yr _____ Chronological No. _____ Clerk's Local ID _____

Docket No. If Filed
 Prior to 1/1/94 _____

PLAINTIFFS IN REFERENCED CAUSE - Page 1 of ____ Plaintiffs Pages
 IN ADDITION TO PLAINTIFF SHOWN ON CIVIL CASE FILING FORM COVER SHEET

Plaintiff #2:

Individual: Wilson Sirena (_____) _____
 Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____
 Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS PLAINTIFF: 8849 Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Plaintiff #3:

Individual: Ray Elizabeth (_____) _____
 Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____
 Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS PLAINTIFF: 8849 Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Plaintiff #4:

Individual: _____ (_____) _____
 Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____
 Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS PLAINTIFF: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

IN THE CIRCUIT COURT OF LINCOLN COUNTY, MISSISSIPPI
JUDICIAL DISTRICT, CITY OF

Docket No. _____
File Yr Chronological No. Clerk's Local ID

Docket No. If Filed
 Prior to 1/1/94 _____

DEFENDANTS IN REFERENCED CAUSE - Page 1 of _____ Defendants Pages
IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET

Defendant #2:

Individual: _____
Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business Good Year Tire & Rubber Manufacturing Company
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) Not an Attorney(✓) _____

Defendant #3:

Individual: _____
Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) Not an Attorney(✓) _____

Defendant #4:

Individual: _____
Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) Not an Attorney(✓) _____

FEE BILL, CIVIL CASES, CIRCUIT COURT

STATE OF MISSISSIPPI
LINCOLN COUNTY
CASE NO. 2011-321
LS

Mary Nicholson, et al

37496

vs.

Moore & Patron Tires & Service

Prescribed by the Miss State Dept. of Audit 10/1/85 et al

Jury Tax	\$ 3.00
Court Reporter's Fee	10.00
Law Library	2.50
State Court Education Fund	2.50
Court Administrator	2.00
Clerk's Fee	75.00 85.00
Sub-Total	95.00 105.00
Sheriff's Fee	
Fees of other Sheriff's	
State Comm. or Officers	
Other	
Other	CECS Fund 10.00
Other	CLA Fund 5.00
Other	
Other	
Marriage License	21.00
Amount Paid	
Amount Due	

How Paid: ☐ Cash ☒ Check ☐ Money Order
 Payment received from Finches and Associates
 this the 11 day of July A.D., 20 11 Dollars \$ 120.00
 By J.A. D.C. _____ Circuit Clerk

IN THE CIRCUIT COURT OF LINCOLN COUNTY, MISSISSIPPI

MARY NICHOLSON, SIRENA WILSON, AND
ELIZABETH RAY ON BEHALF OF HER MINOR
SON, XAVIER RAY

PLAINTIFFS

V.

CIVIL ACTION NO. 2011-321LS

MOORE & PATRON TIRES & SERVICE, GOODYEAR
TIRE & RUBBER MANUFACTURING COMPANY, AND
XYZ INSURANCE COMPANY

DEFENDANTS

COMPLAINT

NOW INTO COURT, through the under signed counsel, comes Plaintiffs, Mary Nicholson, Sirena Wilson and Elizabeth Ray on behalf of her minor son, Xavier Ray for the purpose of filing this petition for damages and avers the following:

I.

Made defendants are as follows:

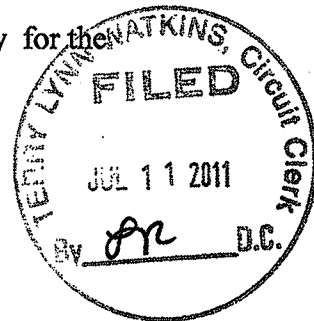
A. Moore & Patron Tires & Service, a Goodyear Tire sales and service company doing business in Monroe, Louisiana.

B. Goodyear Tire & Rubber Manufacturing Company, the manufacturer of the defective tire which was the sole and proximate cause of the accident herein whose address is 1 S.W. Goodyear Blvd., Lawton, OK 73505.

C. XYZ Insurance Company, the general liability insurance carrier, having a liability policy providing general liability coverage to the above defendants at the time of the accident herein.

II.

Said defendants are liable to petitioners for injuries sustained by petitioners as a result of the defendant's negligence.



III.

Said injuries include: loss of enjoyment of life, inconvenience, diminished life style, medical expenses, mental stress and anguish, pain and suffering, permanent neck & back pain. Mary Nicholson sustained herniated disc at C3-4, C4-5, C5-6, C6-7, T1-2, L3-4, and L5-S1 as well as annulus tears at L3-4, L4-5, and L5-S1, need for lumbar surgery medical care, and multiple body injuries.

IV.

On or about July 11, 2008, petitioners were traveling northbound on I-55 in a 1995 Acura Integra being driven by Serina Wilson. As petitioner was traveling northbound on I-55 near Brookhaven Mississippi, the right rear tire blew out, causing petitioner to overturn and collided with a tree. The vehicle was totally demolished and the accident caused petitioners to sustain serious bodily injuries. Petitioners did not in anyway contribute to the cause of the collision.

V.

Serina Wilson's father, Gregory Wilson, purchased the four new Goodyear tires which were on the vehicle at the time of accident less than one month before the defective tire malfunctioned and blew out. The new Goodyear tire which is the subject of this litigation was defective and unfit for its intended use. The petitioners also allege that tire was either defective or improperly installed by the Moore & Patron Tires and Service.

VI.

Said acts of negligence committed by defendants are as follows:

1. Manufacturing a defective and unreasonably dangerous product.
2. Manufacturing a product unfit for its intended use.

3. Failure to properly inspect and test all Goodyear tires prior to placing the product on the market.
4. Manufacturing and marketing a product that is unreasonably dangerous in construction and composition.
5. Selling a product that is unreasonably dangerous and presents a risk of harm to innocent customers.
6. Failure to warn.
7. Improperly installing tire.
8. Failure to inspect tire for defects prior to placing the tire on the market and or prior to installation.

Wherefore, petitioners pray that defendants, the Goodyear Tire & Rubber Manufacturing Company, Moore & Patron Tires & Service and XYZ INSURANCE COMPANY, be duly cited to appear and answer this Petition and after due proceeding are conducted, that this Honorable Court enter a judgment in favor of petitioners, and against defendants for an amount found to be just and adequate.

Respectfully submitted,



Delano Funches (MSB # 8849)

Funches & Associates

1617 Robinson Street

Jackson, MS 39209

(601)969-7400 Telephone

(601)969-7438 Facsimile

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT OF
LINCOLN COUNTY MISSISSIPPI

MARY NICHOLSON, SIRENA WILSON, AND
ELIZABETH RAY ON BEHALF OF HER MINOR
SON, XAVIER RAY

PLAINTIFFS

V.

CIVIL ACTION NO. 2011-321LS

MOORE & PATRON TIRES & SERVICE, GOODYEAR
TIRE MANUFACTURING COMPANY, AND
XYZ INSURANCE COMPANY

DEFENDANTS

SUMMONS

TO: Moore & Patron Tires & Service
1514 Louisville Ave.
Monroe, LA 71201

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND
YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to
Delano Funches, Esq., whose address is 1617 Robinson Street, Jackson, Mississippi 39209.

Your response must be mailed or delivered within thirty (30) days from the date of delivery of
this summons and complaint or judgment by default will be entered against you for the money or
other things demanded in the complaint.

You must also file the original response with the Clerk of this Court within a reasonable
afterward.

Issued under my hand and the seal of said Court, this the 11th day of July,
2011.

Terry Lynn Watkins
Circuit Court of Lincoln County, Mississippi
By: Price, D.C.

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT OF
LINCOLN COUNTY MISSISSIPPI

MARY NICHOLSON, SIRENA WILSON, AND
ELIZABETH RAY ON BEHALF OF HER MINOR
SON, XAVIER RAY

PLAINTIFFS

V.

CIVIL ACTION NO. 2011-321LS

MOORE & PATRON TIRES & SERVICE, GOODYEAR
TIRE & RUBBER MANUFACTURING COMPANY, AND
XYZ INSURANCE COMPANY

DEFENDANTS

SUMMONS

TO: Goodyear Tire & Rubber Manufacturing Company
1 SW Goodyear Blvd
Lawton, OK 73505

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND
YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to
Delano Funches, Esq., whose address is 1617 Robinson Street, Jackson, Mississippi 39209.

Your response must be mailed or delivered within thirty (30) days from the date of delivery of
this summons and complaint or judgment by default will be entered against you for the money or
other things demanded in the complaint.

You must also file the original response with the Clerk of this Court within a reasonable
afterward.

Issued under my hand and the seal of said Court, this the 11th day of July,
2011.

Terry Lynn Watkins
Circuit Court of Lincoln County, Mississippi
G. J. Price, D.C.

BRYAN NELSON P.A.

ATTORNEYS AT LAW
POST OFFICE DRAWER 18109
6524 U.S. HIGHWAY 98
HATTIESBURG, MISSISSIPPI 39404-8109

JACK W. LAND
EVE GABLE
HERMAN M. HOLLENSED, JR.
MARK A. NELSON¹
V. K. VICK SMITH
DAVID M. OTT
RICHARD D. NORTON
JOSEPH A. O'CONNELL
WILLIAM A. WHITEHEAD, JR.
KRISTOPHER A. POWELL
MARK E. NORTON
JEFFREY L. HALL
MARY D. BLUMENTRITT
LINDSAY G. WATTS
BRAD A. TOUCHSTONE

JOHN F. BRYAN III (1914-1994)
E. S. NED NELSON (1928-1985)

STACY L. NEAMES (Of Counsel)

TELEPHONE
(601) 261-4100

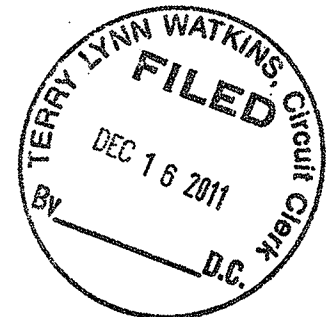
FACSIMILE
(601) 261-4106

¹ Also Admitted in Louisiana

December 13, 2011

Terry Watkins
Circuit Clerk of Lincoln County
P.O. Box 357
Brookhaven, MS 39602

Re: Mary Nicholson, et al v. Moore & Patron Tires & Service, et al
Cause No. 2011-321 LS



Dear Terry:

Enclosed for filing in the above styled and numbered cause is a Motion for Extension of Time in Which to File Responsive Pleadings, along with one copy of the first page of same. Please file the original Motion and stamp the date of filing on the copy, and return it to my office in the enclosed self-addressed, stamped envelope provided for your convenience.

Thank you for your assistance in this matter.

Sincerely,

Rick Norton
For the Firm

RN:ek
Enclosure
xc: Honorable Delano Funches

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF LINCOLN COUNTY, MISSISSIPPI

MARY NICHOLSON, ET AL

PLAINTIFFS

VS.

MOORE & PATRON TIRES & SERVICE, ET AL

By

DEC 16 2011

D.C.

CAUSE NO. 2011-321 LS

DEFENDANTS

**MOTION FOR EXTENSION OF TIME IN
WHICH TO FILE RESPONSIVE PLEADINGS**

COMES NOW the Defendant, Moore & Patron Tires & Service, by and through its counsel, and reserving all rights to assert all defenses, including without limitation, the following defenses: lack of jurisdiction over the subject matter, lack of jurisdiction over the person, improper venue, insufficiency of process, insufficiency of service of process, failure to state a claim upon which relief can be granted, failure to join a party under Rule 19 of the Mississippi Rules of Civil Procedure, arbitration and award, assumption of risk, contributory negligence, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, waiver, and any other matter constituting an avoidance or affirmative defense; and hereby moves this Court for thirty (30) days extension of time within which to respond to the Plaintiffs' Complaint as heretofore filed in the above styled and numbered action, and in support of said Motion, would show unto the Court as follows, to-wit:

1.

That the Defendant would show that the undersigned counsel has just received the Complaint in this matter.

2.

That the undersigned counsel is presently in the process of investigating facts material to the allegations contained and alleged in said Complaint.

3.


That the completion of such inquiry will reasonably require the additional time now sought within which to respond to the Plaintiffs' Complaint.

4.

That the Defendant will be unable to properly plea in this action until the conclusion of the inquiry.

5.

That the Defendant has not previously sought an extension of time in which to respond to this matter, and that the award of the additional time sought will not delay an orderly disposition of this action.


RICK NORTON, MSB #8741

BRYAN NELSON P.A.
P.O. BOX 18109
HATTIESBURG, MS 39404-8109
PHONE: 601-261-4100
FAX: 601-261-4106

CERTIFICATE OF SERVICE

I, Rick Norton, of counsel for Defendant, Moore & Patron Tires & Service, hereby certify that I have this day mailed, postage pre-paid, by United States Mail, a true and correct copy of the above and foregoing Motion for Extension of Time to:

Honorable Delano Funches
1617 Robinson Street
Jackson, MS 39209

ATTORNEY FOR PLAINTIFF

THIS, the 14 day of December A.D., 2011.


RICK NORTON